



# House of Representatives

## File No. 818

General Assembly

January Session, 2017

**(Reprint of File No. 512)**

Substitute House Bill No. 7276  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 31, 2017

### ***AN ACT CONCERNING EDUCATION MANDATE RELIEF.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-66q of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2017*):

3 (a) Not later than April 1, 2014, each regional educational service  
4 center shall develop a uniform regional school calendar [to be used]  
5 that may be adopted by each local or regional board of education in  
6 the area served by such regional educational service center, in  
7 accordance with the provisions of [subsections (b) and (c)] subsection  
8 (b) of this section. Such uniform regional school calendars shall be  
9 consistent with the guidelines for a uniform regional school calendar  
10 developed pursuant to section 321 of public act 13-247. Not later than  
11 April 1, 2014, each regional educational service center shall submit  
12 such uniform regional school calendar to the State Board of Education  
13 for approval. Not later than five days after such approval, such  
14 regional educational service center shall submit such approved  
15 uniform regional school calendar to the joint standing committee of the

16 General Assembly having cognizance of matters relating to education,  
17 in accordance with the provisions of section 11-4a.

18 (b) For the school [years] year commencing [July 1, 2014, and July 1,  
19 2015] July 1, 2017, and each school year thereafter, a local or regional  
20 board of education may adopt the uniform regional school calendar  
21 developed and approved pursuant to subsection (a) of this section.

22 [(c) (1) Except as provided in subdivision (2) of this subsection, for  
23 the school year commencing July 1, 2016, and each school year  
24 thereafter, each local and regional board of education shall use the  
25 uniform regional school calendar developed and approved pursuant to  
26 subsection (a) of this section.

27 (2) A local or regional board of education may delay  
28 implementation of the uniform regional school calendar until the  
29 school year commencing July 1, 2017, if such board of education has an  
30 existing employee contract that makes implementation of the uniform  
31 regional school calendar impossible.

32 (d) (1) Not later than July 1, 2014, the Commissioner of Education  
33 shall submit a report on the implementation of uniform regional school  
34 calendars and any recommendations for legislation relating to such  
35 implementation to the joint standing committee of the General  
36 Assembly having cognizance of matters relating to education, in  
37 accordance with the provisions of section 11-4a.

38 (2) Not later than January 1, 2015, and July 1, 2016, the  
39 Commissioner of Education shall submit a report on the  
40 implementation of uniform regional school calendars in those school  
41 districts that have adopted a uniform regional school calendar,  
42 pursuant to subsection (b) of this section, and any recommendations  
43 for legislation relating to such implementation to the joint standing  
44 committee of the General Assembly having cognizance of matters  
45 relating to education, in accordance with the provisions of section 11-  
46 4a.]

47 [(3)] (c) Not later than [January 1, 2016, and] July 1, 2017, and  
48 annually thereafter, the Commissioner of Education shall submit a  
49 report on which boards of education have adopted the uniform  
50 regional school calendar and the implementation of such uniform  
51 regional school calendars, pursuant to subsection [(c)] (b) of this  
52 section, and any recommendations for legislation relating to such  
53 implementation to the joint standing committee of the General  
54 Assembly having cognizance of matters relating to education, in  
55 accordance with the provisions of section 11-4a.

56 Sec. 2. Subsection (d) of section 10-233d of the general statutes, as  
57 amended by section 12 of public act 16-147, is repealed and the  
58 following is substituted in lieu thereof (*Effective August 15, 2017*):

59 (d) No local or regional board of education is required to offer an  
60 alternative educational opportunity, except in accordance with this  
61 section. Any pupil under sixteen years of age who is expelled shall be  
62 offered an alternative educational opportunity, which shall be  
63 [equivalent to] (1) alternative education, as defined by section 10-74j,  
64 with an individualized learning plan, if such board provides such  
65 alternative education, or (2) in accordance with the standards adopted  
66 by the State Board of Education, pursuant to section 3 of this act,  
67 during the period of expulsion, provided any parent or guardian of  
68 such pupil who does not choose to have his or her child enrolled in an  
69 alternative educational [program] opportunity shall not be subject to  
70 the provisions of section 10-184. Any pupil expelled for the first time  
71 who is between the ages of sixteen and eighteen and who wishes to  
72 continue his or her education shall be offered such an alternative  
73 educational opportunity if he or she complies with conditions  
74 established by his or her local or regional board of education. Such  
75 alternative educational opportunity may include, but shall not be  
76 limited to, the placement of a pupil who is at least seventeen years of  
77 age in an adult education program pursuant to section 10-69. Any  
78 pupil participating in [an] any such adult education program during a  
79 period of expulsion shall not be required to withdraw from school  
80 under section 10-184. A local or regional board of education shall count

81 the expulsion of a pupil when he was under sixteen years of age for  
82 purposes of determining whether an alternative educational  
83 opportunity is required for such pupil when he is between the ages of  
84 sixteen and eighteen. A local or regional board of education may offer  
85 an alternative educational opportunity to a pupil for whom such  
86 alternative educational opportunity is not required pursuant to this  
87 section.

88 Sec. 3. (NEW) (*Effective from passage*) Not later than August 15, 2017,  
89 the State Board of Education shall adopt standards for the provision of  
90 an adequate alternative educational opportunity, offered pursuant to  
91 subsection (d) of section 10-233d of the general statutes, as amended by  
92 this act. Such standards shall include, but need not be limited to, the  
93 kind of instruction and number of hours to be provided to a student  
94 enrolled in an alternative educational opportunity.

95 Sec. 4. (*Effective July 1, 2017*) (a) Not later than January 1, 2018, the  
96 Department of Education shall conduct a survey of local and regional  
97 boards of education and their use of digital school management and  
98 reporting software. The survey shall include questions relating to  
99 whether a local or regional board of education uses a digital school  
100 management and reporting software for the purposes of creating,  
101 submitting and sharing digital copies of education-related documents  
102 with the Department of Education and among authorized users, and  
103 whether such software (1) allows authorized users to create and  
104 submit a complete digital copy of education-related documents to the  
105 portal and share such digital copy with (A) the department, and (B) a  
106 local or regional board of education in a case where the student may  
107 transfer, (2) provides twenty-four-hour access for an unlimited number  
108 of authorized users to use the digital school management and  
109 reporting software, (3) allows local and regional boards of education to  
110 purchase additional programs to supplement the digital school  
111 management and reporting software, and (4) protects the privacy of  
112 students when any education-related document is created, submitted  
113 and shared using the digital school management and reporting  
114 software from unauthorized access, destruction, use, modification or

115 disclosure in accordance with current industry standards.

116 (b) The department shall compile the results of such survey and  
117 submit a report on its findings to the joint standing committee of the  
118 General Assembly having cognizance of matters relating to education,  
119 in accordance with the provisions of section 11-4a of the general  
120 statutes. Such report shall include any recommendations regarding the  
121 state-wide implementation of a uniform digital school management  
122 and reporting software based on the results of the survey concerning  
123 any such software that is currently used and successfully implemented  
124 by local and regional boards of education in the state.

125 (c) For the purposes of this section, "education-related documents"  
126 means a student's education records and any report required under  
127 title 10 of the general statutes, including, but not limited to, the  
128 strategic school profile report, as described in subsection (c) of section  
129 10-220 of the general statutes, and data submitted for inclusion in the  
130 state-wide public school information system, pursuant to section 10-  
131 10a of the general statutes.

132 Sec. 5. Subsection (o) of section 10-236b of the general statutes is  
133 repealed and the following is substituted in lieu thereof (*Effective July*  
134 *1, 2017*):

135 (o) (1) Each local or regional [school district] board of education  
136 shall provide training [to school professionals, paraprofessional staff  
137 members and administrators] regarding the physical restraint and  
138 seclusion of students to the members of the crisis intervention team for  
139 each school in the district, identified pursuant to subdivision (2) of this  
140 subsection. A local or regional board of education may provide such  
141 training to any teacher, as defined in section 10-144d, administrator, as  
142 defined in section 10-144e, school paraprofessional or other school  
143 employee, as defined in section 10-222d, designated by the school  
144 principal and who has direct contact with students. Such training shall  
145 be [phased in over a period of three years beginning with] provided  
146 during the school year commencing July 1, [2015] 2017, and each

147 school year thereafter, and shall include, but not be limited to:

148 (A) An overview of the relevant laws and regulations regarding the  
149 use of physical restraint and seclusion on students [. Such] and the  
150 proper uses of physical restraint and seclusion. For the school year  
151 commencing July 1, 2017, and annually thereafter, such overview shall  
152 be provided by the Department of Education, [to all school  
153 professionals, paraprofessional staff members and administrators on  
154 or after July 1, 2015, and annually thereafter,] in a manner and form as  
155 prescribed by the Commissioner of Education;

156 (B) The creation of a plan by which each local [or] and regional  
157 board of education shall provide [school professionals,  
158 paraprofessional staff members and administrators with] training [and  
159 professional development] regarding the prevention of incidents  
160 requiring physical restraint or seclusion of students. Such plan shall be  
161 implemented not later than July 1, [2017, and shall include a provision  
162 to require the training of all school professionals, paraprofessional staff  
163 members and administrators in the prevention of such incidents not  
164 later than July 1, 2019] 2018. The Department of Education may, within  
165 available appropriations, provide ongoing monitoring and support to  
166 local or regional boards of education regarding the formulation and  
167 implementation of the plan; and

168 (C) The creation of a plan by which each local or regional board of  
169 education shall provide [school professionals, paraprofessional staff  
170 members and administrators with] training [and professional  
171 development] regarding the proper means of [physically restraining or  
172 secluding] physical restraint or seclusion of a student, including, but  
173 not limited to, (i) various types of physical restraint and seclusion; (ii)  
174 the differences between life-threatening physical restraint and other  
175 varying levels of physical restraint; (iii) the differences between  
176 permissible physical restraint and pain compliance techniques; and (iv)  
177 monitoring methods to prevent harm to a student who is physically  
178 restrained or in seclusion. Such plan shall be implemented not later  
179 than July 1, [2017, and shall include a provision to require the training

180 of all school professionals, paraprofessional staff members and  
181 administrators in the proper means of physically restraining or  
182 secluding a student not later than July 1, 2019, and periodically  
183 thereafter as prescribed by the Commissioner of Education] 2018;

184 (2) [Not later than July 1, 2015] For the school year commencing July  
185 1, 2017, and each school year thereafter, each local [or] and regional  
186 board of education shall require each school in the district to identify a  
187 crisis intervention team consisting of [school professionals,  
188 paraprofessional staff members and administrators who have been  
189 trained in the use of physical restraint and seclusion pursuant to  
190 subparagraph (C) of subdivision (1) of this subsection or chapter 814e]  
191 any teacher, as defined in section 10-144d, administrator, as defined in  
192 section 10-144e, school paraprofessional or other school employee, as  
193 defined in section 10-222d, designated by the school principal and who  
194 has direct contact with students. Such teams shall respond to any  
195 incident in which the use of physical restraint or seclusion may be  
196 necessary as an emergency intervention to prevent immediate or  
197 imminent injury to a student or to others. Each member of the crisis  
198 intervention team shall be recertified in the use of physical restraint  
199 and seclusion pursuant to subparagraph (C) of subdivision (1) of this  
200 subsection or chapter 814e on an annual basis. Each local and regional  
201 board of education shall maintain a list of the members of the crisis  
202 intervention team for each school.

203 Sec. 6. Subsection (k) of section 10-222c of the general statutes is  
204 repealed and the following is substituted in lieu thereof (*Effective July*  
205 *1, 2017*):

206 (k) For purposes of this section and section 10-221d, (1) "sexual  
207 misconduct" means any verbal, nonverbal, written or electronic  
208 communication, or any other act directed toward or with a student  
209 that is designed to establish a sexual relationship with the student,  
210 including a sexual invitation, dating or soliciting a date, engaging in  
211 sexual dialog, making sexually suggestive comments, self-disclosure or  
212 physical exposure of a sexual or erotic nature and any other sexual,

213 indecent or erotic contact with a student; [and] (2) "abuse or neglect"  
 214 means abuse or neglect as described in section 46b-120, and includes  
 215 any violation of section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or  
 216 53a-73a; and (3) "former employer" means any person, firm, business,  
 217 educational institution, nonprofit agency, corporation, limited liability  
 218 company, the state, any political subdivision of the state, any  
 219 governmental agency, or any other entity that such applicant was  
 220 employed by during any of the previous twenty years prior to  
 221 applying for a position with a local or regional board of education,  
 222 governing council of a state or local charter school or interdistrict  
 223 magnet school operator.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2017</i>	10-66q
Sec. 2	<i>August 15, 2017</i>	10-233d(d)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2017</i>	New section
Sec. 5	<i>July 1, 2017</i>	10-236b(o)
Sec. 6	<i>July 1, 2017</i>	10-222c(k)



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 18 \$</b>	<b>FY 19 \$</b>
Local and Regional School Districts	Potential Savings	See Below	See Below

### **Explanation**

The bill results in a potential savings to various local and regional boards of education, as it alters or eliminates several state mandates.

**Section 1** eliminates the requirement that boards of education must adopt a uniform school calendar, which correspondingly could eliminate the potential savings districts may have incurred by using the uniform school calendar, such as reduced transportation costs.

**Sections 2 and 3** alter alternative education programs for expelled students. Under the bill, districts that do not have an alternative education program for expelled students have the flexibility to offer an alternate program, in accordance with the standards developed by the State Board of Education (SBE). This could result in savings for districts, as an alternative program is likely less expensive.

**Section 4** requires SBE to survey local and regional boards of education regarding the use of digital school management and reporting software. This section does not result in a fiscal impact, as SBE has the expertise necessary to execute the survey.

**Section 5** results in a savings to local and regional boards of

education as it reduces the number of school district employees who must receive training and professional development in the physical restraint and seclusion of children.

**Section 6** narrows the definition of former employer, which could result in fewer employment history record checks, which could equate to a potential savings to districts.

The scope of the savings to each local and regional board of education will be dependent upon the size of the district, the extent to which the programs mentioned above are utilized, and flexibility to adopt more efficient programs.

House "A" strikes **Section 5** of the underlying bill and replaces it with the fiscal impact described above.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 7276 (as amended by House "A")\******AN ACT CONCERNING EDUCATION MANDATE RELIEF.*****SUMMARY**

This bill alters or eliminates several state mandates placed upon local and regional boards of education (hereinafter "boards"). Among other things, the bill:

1. allows, rather than requires, boards to follow a unified regional school calendar (§ 1);
2. expands the type of alternative education for expelled students that boards must offer (§§ 2 & 3);
3. reduces the number of school employees who must receive training in student restraint and seclusion and makes other changes to the training requirements (§ 5); and
4. shortens the former employer lookback period that boards of education must consider when conducting background checks of prospective employees (§ 6).

It also requires the State Department of Education (SDE) to conduct a survey of digital reporting software use by school districts (§ 4).

It also makes a number of conforming and technical changes.

\*House Amendment "A" modifies the provision regarding training in restraint and seclusion by (1) specifying that all members of the crisis intervention team must receive training rather than the underlying bill's requirement of all teachers, administrators, and paraprofessionals, who have direct contact with students; (2)

providing that the training be given yearly rather than phased in over a three-year period as in current law; and (3) delays, from July 1, 2017 to July 1, 2018, the deadline to implement a training plan.

EFFECTIVE DATE: July 1, 2017, except the alternative education for expelled students section is effective August 15, 2017 and the requirement for the State Board of Education (SBE) to develop alternative education standards is effective upon passage.

### **§ 1 — UNIFORM REGIONAL SCHOOL CALENDAR**

For school years beginning July 1, 2017 and thereafter, the bill allows, rather than requires, boards to adopt a uniform regional school calendar developed by its respective regional education service center (RESC). Under current law, all boards had to adopt such a uniform calendar starting with the 2016-17 school year, or starting with the 2017-18 school year if existing employee contracts prevented implementation in 2016-17. By law, the calendar is developed according to guidelines set by the legislature (see BACKGROUND).

The bill requires the education commissioner to report to the Education Committee on which boards have chosen to adopt the regional calendar and any legislative recommendations by July 1, 2017 and annually thereafter. Under current law the commissioner must report annually on the mandated adoption.

### **§§ 2 & 3 — ALTERNATIVE EDUCATION FOR EXPELLED STUDENTS**

Under current law, a board must provide to any expelled student under age 16 an alternative educational opportunity during the expulsion period equivalent to 180 school days and 900 hours of school work. The bill modifies this so that a board must provide the above mentioned 900 hours if the board offers it, but if it does not, it can offer an alternative educational opportunity in accordance with standards the bill requires SBE to adopt no later than August 15, 2017. The standards must include, but are not limited to, the kind of instruction and number of hours to be provided.

**§ 4 — SURVEY OF DIGITAL REPORTING SOFTWARE**

By January 1, 2018, the bill requires SDE to conduct a survey of local and regional boards of education regarding their use of digital school management and reporting software. The survey must include questions on whether a board uses a digital school management and reporting software for creating, submitting, and sharing digital copies of education-related documents with SDE and among authorized users.

It must also include questions addressing whether the software:

1. allows authorized users to create and submit a complete digital copy of education-related documents to the portal and share the copy with (a) SDE and (b) a board of education when a student transfers;
2. provides 24-hour access for an unlimited number of authorized users;
3. allows boards to purchase supplement programs; and
4. protects student privacy when an education-related document is created, submitted, and shared using the reporting software from unauthorized access, destruction, use, modification or disclosure in accordance with industry standards.

SDE must compile the survey results and submit a report on its findings to the Education Committee. The report must include any recommendations, based on the results, regarding the statewide implementation of a uniform school management and reporting software.

The bill defines “education-related documents” as a student’s education records and any report required under state education law, including the strategic school profile report and data included by law in the statewide public school information system.

## **§ 5 — RESTRAINT AND SECLUSION TRAINING**

The bill reduces the number of school district employees who are required to receive training and professional development in physical restraint and seclusion of students.

It eliminates the requirement that all school professionals, administrators, and paraprofessionals be trained in the proper means of student restraint and seclusion. It instead requires all members of the crisis intervention team, which is defined as any teacher, administrator, and paraprofessional, who (1) has direct contact with students and (2) the principal designates to receive training. It also requires each board to maintain a list of crisis intervention team members for each school.

The bill permits boards to train any other teacher, administrator, or paraprofessional, or school employee. It defines “school employee” to include substitute teachers, superintendents, guidance counselors, psychologists, social workers, nurses, physicians, or coaches employed by a board, or any other employee who, in the regular performance of his or her duties, has regular contact with students.

It also extends from July 1, 2015 to July 1, 2017, the date to begin training and eliminates the provision that phases in the training over three years. It delays by one year, from July 1, 2017 to July 1, 2018, the deadline for boards to implement district-level training and prevention plans.

Under the bill, the training must include information on the proper use of physical restraint and seclusion, as well as an annual overview of relevant laws and regulations regarding its use on students as required under current law.

Current law requires the training to include plans for school boards to provide school professionals, paraprofessional staff, and administrators with training and professional development on preventing incidents that require restraint and seclusion and the

proper means of physically restraining or secluding a student. The bill delays the deadlines for the plans' implementation from July 1, 2017 to July 1, 2018 and eliminates the references to professional development.

The bill makes a conforming change by defining a crisis intervention team as one that includes teachers, administrators, school paraprofessionals, or other school employees who have direct contact with students and are designated by the school principal. Currently, the team must include school professionals, paraprofessionals, and administrators who have been trained in physical restraint and seclusion.

## **§ 6 — BACKGROUND CHECKS AND FORMER EMPLOYERS**

By law, local or regional boards of education, charter school governing councils, and magnet school operators must require certain information from any job applicant who would have direct student contact in the prospective position. The law requires the board to conduct employment history checks of all such applicants, including directly contacting former employers if they were boards of education or employed the applicant in a position that included direct contact with children. The bill narrows the definition of former employer to include only those the applicant has worked for in the previous 20 years prior to applying. Current law does not establish any limit on how far back the employment history check must go.

## **BACKGROUND**

### ***Uniform Regional School Calendar Task Force and Guidelines***

By law, RESCs had to develop guidelines for uniform regional calendars and boards of education were given a deadline to adopt a conforming calendar that had to include the following:

1. at least 180 days of sessions in a school year (as already required by law);
2. a common start date for students of the last Wednesday in August, with a three-day flexible window before or after that

Wednesday;

3. uniform days for statutorily required professional development and in-service training for certified employees;
4. up to three uniform school vacation periods during each school year, of which up to two must be one-week vacations and one must be during the summer;
5. Election Day in November as a professional development day when no students attend school; and
6. five flexible days for individual district needs.

### **RESCs**

Each of the six RESCs in the state serves a different geographical region. The RESCs provide various services to local and regional boards of education.

### **COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea    30    Nay   2    (03/24/2017)